

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **July 12, 2005**

AGENDA ITEM NO.: 6

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Conditional Use Permit – Master Plan Amendment for Lynchburg College Student Housing, 214 Bell Street, 185, 307 Vernon Street & 404, 428 Lakewood Street.

RECOMMENDATION: Approval of the requested Conditional Use Permit.

SUMMARY: Lynchburg College is petitioning to amend the previously approved Master Plan to allow college supervised student housing for four (4) to ten (10) students at 214 Bell Street, 185, 307 Vernon Street & 404, 428 Lakewood Street in an R-2, Single-Family Residential District. The Planning Commission recommended approval of the Conditional Use Permit because:

- Petition agrees with the Future Land Use Map in that institutional uses that are compatible in scale with residential homes are permitted in low density residential areas.
- Petition agrees with the Zoning Ordinance in that colleges and associated uses are permitted in residential areas upon approval of a Conditional Use Permit by the City Council.

PRIOR ACTION(S):

May 22, 2005: Planning Division recommended approval of the CUP petition.
Planning Commission recommended approval (3-0) with 1 member abstaining (Mr. Bob Flint) and 3 members absent (Mr. Ray Pulliam, Mr. Rick Barnes & Mr. Richard Worthington) with the following conditions:

1. The properties shall be used in substantial compliance with the individual site plans for student housing:
 - 214 Bell Street – ten (10) students
 - 185 Vernon Street – six (6) students
 - 307 Vernon Street – four (4) students
 - 404 Lakewood Street – seven (7) students
 - 428 Lakewood Street – eight (8) students
2. Any exterior lighting shall be glare shielded to prevent direct illumination beyond the property line.
3. All residences shall comply with the building code as determined by the Building Official.
4. All parking associated with the student housing shall be in “off street” lots.

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn/ 455-3902

Tom Martin/ 455-3909

ATTACHMENT(S):

- Resolution
- PC Report
- PC Minutes
- Vicinity Zoning Pattern
- Vicinity Proposed Land Use
- Site Plan
- Narrative
- Speaker Sign-Up sheet

REVIEWED BY: lkp

RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO LYNCHBURG COLLEGE AMENDING THE MASTER PLAN FOR LYNCHBURG COLLEGE STUDENT HOUSING TO ALLOW THE CONVERSION OF FIVE (5) EXISTING DWELLINGS LOCATED AT 214 BELL STREET, 185 AND 307 VERNON STREET, AND 404 AND 428 LAKEWOOD STREET INTO COLLEGE SUPERVISED STUDENT HOUSING FOR FOUR (4) TO TEN (10) STUDENTS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA, that the petition of Lynchburg College for a Conditional Use Permit amending the Master Plan for Lynchburg College Student Housing to allow the conversion of five (5) existing dwellings located at 214 Bell Street, 185 and 307 Vernon Street, and 404 and 428 Lakewood Street into college supervised student housing for four (4) to ten (10) students be, and the same is hereby, approved, subject to the following conditions:

1. The properties shall be used in substantial compliance with the individual site plans for student housing:

214 Bell Street – ten (10) students
185 Vernon Street – six (6) students
307 Vernon Street – four (4) students
404 Lakewood Street – seven (7) students
428 Lakewood Street – eight (8) students

2. Any exterior lighting shall be glare shielded to prevent direct illumination beyond the property line.
3. All residences shall comply with the building code as determined by the Building Official.
4. All parking associated with the student housing will be in “off street” lots.

Adopted:

Certified: _____
Clerk of Council

094L

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission
From: Planning Division
Date: June 22, 2005
Re: **CONDITIONAL USE PERMIT (CUP): Master Plan Amendment for Lynchburg College Student Housing, 214 Bell Street, 185, 307 Vernon Street, & 404, 428 Lakewood Street.**

I. PETITIONER

Lynchburg College, 1501 Lakeside Drive, Lynchburg, VA 24501

Representative: Mr. John Lewis, Business Manager, Lynchburg College, 1501 Lakeside Drive, Lynchburg, VA 24501

II. LOCATION

The subject properties are approximately .2 acres each and are located at 214 Bell Street, 185, 307 Vernon Street, & 404, 428 Lakewood Street.

Property Owners: Lynchburg College, 1501 Lakeside Drive, Lynchburg, VA 24501

III. PURPOSE

The purpose of this petition is to amend Lynchburg College's Master Plan to allow the conversion of five (5) existing dwellings into college supervised student housing for four (4) to ten (10) students.

IV. SUMMARY

- Petition agrees with the Comprehensive Plan, which recommends a Low Density Residential use for the subject property.
- Petition agrees with the Zoning Ordinance in that colleges and associated uses are permitted in residential districts upon approval of a Conditional Use Permit by the Planning Commission and the City Council.
- Petition proposes the conversion of five (5) existing dwellings into supervised student housing for four (4) to ten (10) students.

The Planning Division recommends approval of the conditional use permit petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Future Land Use Map* recommends a Low Density Residential use for the area. These areas are dominated by single-family homes at densities of four (4) dwelling units per acre. Institutional uses that are compatible in scale with residential homes are appropriate in these areas.

Throughout the public forums held for the preparation of the Comprehensive Plan, citizens emphasized the value they place on education. Quality educational opportunities must be provided for youth at the secondary school level and college level and for adults as part of continuing education. The City places high value on its colleges and will continue to support their presence within the City and to work with them in coordinating City planning with campus master planning.
2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-2, Low Density Single Family Residential zoning was established in 1978 with the adoption of the current *Zoning Ordinance*.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the project as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:

- On December 12, 2004, Lynchburg City Council approved Lynchburg College's CUP petition for the conversion of existing residents to student housing at 201 Bell Street, 224, 350 Vernon Street, 1123 McCausland Street, 121 Thomas Road, 310, 416, 432 Lakewood Street & 333 College Street
- On October 12, 2004, Lynchburg City Council approved Lynchburg College's CUP petition for the construction of student housing and associated parking areas at 1501 Lakeside Drive.
- On June 8, 2004 Lynchburg City Council approved Lynchburg College's CUP petition for the conversion of existing residents to student housing at 191, 225, 235, 246, 302, 310, 311, 331, 348 Vernon Street and 316 and 426 Lakewood Street.
- On June 12, 2001, Lynchburg City Council approved Lynchburg College's CUP petition for the development of student housing at 511 Brevard Street, 312, 420, and 425 Lakewood Street, and 504 Westwood Avenue.
- On June 13, 2000, Lynchburg City Council approved Lynchburg Christian Academy's CUP petition for the temporary use of modular classrooms at 624 Thomas Road.
- On March 14, 2000, Lynchburg City Council approved Lynchburg College's CUP petition to amend its master development plan for construction of student townhomes on campus at 1501 Lakeside Drive.
- On July 13, 1999 Lynchburg City Council approved Lynchburg College's CUP petition for the development of a college office and student housing at 341 College Street, 504 Brevard Street and 245 Vernon Street.
- On August 11, 1998, Lynchburg City Council approved Lynchburg College's CUP petition for the use of an existing residence for student housing at 215 Vernon Street.
- On June 9, 1998, Lynchburg City Council approved Lynchburg College's CUP petition for the amendment of the existing master plan for the construction of a gym and physical plant storage building at 1501 Lakeside Drive.
- On May 12, 1998, Lynchburg City Council approved Lynchburg College's CUP petition for the development of special interest student housing at 512 Brevard Street.
- On May 13, 1997, Lynchburg City Council approved Gethsemane Baptist Church's CUP petition for the establishment of a play area and operation of a child care center for up to 49 children at 407 and 411 Blue Ridge Street.
- On December 12, 1995, Lynchburg City Council approved Lynchburg College's CUP petition for the amendment of the existing master plan to allow conversion of an existing residence for supervised student housing at 511 Brevard Street.
- On January 12, 1993, Lynchburg City Council approved Lynchburg College's CUP petition for the amendment of the existing master plan for the construction of the School of Business at the 300 Block of College Street.
- On April 9, 1991, Lynchburg City Council approved Gethsemane Baptist Church's CUP petition for the construction of new parking and the expansion of both the existing parking and the sanctuary at 408 and 411 Blue Ridge Street.
- On August 1, 1989, Lynchburg City Council approved Lynchburg College's CUP petition for the development of college offices and student housing on College, McCausland and Brevard Streets.
- On February 14, 1989, Lynchburg City Council approved Lynchburg College's CUP petition for the development of faculty offices at 505 Brevard Street.
- On August 9, 1988, Lynchburg City Council approved Lynchburg College's CUP petition for the construction of a dormitory and office at 349 College Street.
- On July 12, 1988, Lynchburg City Council approved Lynchburg College's CUP petition for the construction of office space at 185 Vernon Street and 500 Westwood Avenue.

- On August 13, 1985, Lynchburg City Council approved Lynchburg College's CUP petition for the conversion of an existing residence hall to offices and construction of new classrooms/parking at College Street.
 - On September 25, 1984, Lynchburg City Council approved Lynchburg College's CUP petition for the development of an alumni house off of Lakeside Drive.
 - On October 28, 1980, Lynchburg City Council approved Lester Heyer's CUP petition for a Family Amusement Center off of Lakeside Drive.
5. **Site Description.** The subject properties are bounded to the north and south by a combination of residential, commercial and institutional uses and to the east and west by residential uses.
 6. **Proposed Use of Property.** The purpose of the conditional use permit petition is to amend Lynchburg College's Master Plan to allow the conversion of five (5) existing dwellings into student housing for four (4) to ten (10) students; the houses will be supervised by college staff. The petitioner proposes to provide gravel parking areas for all residences.
 7. **Traffic and Parking.** The City's Traffic Engineer's only comment of concern was that off-street parking be provided for the proposed student housing. The submitted site plans indicate that parking will be provided in gravel lots behind the residences or in existing parking lots owned and operated by Lynchburg College.
 8. **Storm Water Management.** New impervious areas associated with the conversion of the existing dwellings to student housing will be minimal. An agreement in lieu of plan will be used to address stormwater and erosion and sediment control issues.
 9. **Emergency Services.** The City's Fire Marshal had no comments on the proposed rezoning and conditional use permit application.
- The Police Department had no comments on the proposed rezoning and conditional use permit application.
10. **Impact.** Lynchburg College was founded on April 17, 1903, and is one of the oldest coeducational colleges in Virginia. The College is currently working on its strategic plan for the next ten (10) years. The plans call for a modest growth to two thousand five hundred (2,500) students up from the two thousand two hundred and forty-eight (2,248) students in the fall of 2004.

The college currently has student housing for one thousand five hundred and seventy-two (1,572) students. The college received approval from the City Council on October 12, 2004 to construct an additional apartment building for one hundred and four (104) students with associated parking areas and subsequent permission on December 12th, 2004 to convert nine (9) existing dwellings into student housing for forty (40) students. The current proposal is to convert an additional five (5) dwellings into student housing for thirty-five (35) students.

The College currently requires that "traditional" aged students live in College-owned housing until their senior year. During the senior year a student may live off campus, however it must be in an area zoned R-4 or R-5. These requirements instituted by the College have eliminated the ability of the students to rent single-family dwellings not under the ownership of the College. This has greatly reduced the usual area of concern of the potential for students to generate noise or cause other disruptive activities.

The College has obtained CUP's for other student housing identical to these requests in the past. The College's presence and accountability for their students has been a benefit to the community. The proposed uses are considered to be compatible with the institutional and residential character of the neighborhood.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on May 17th, 2005. Comments related to the proposed plan use were minor in nature and have or will be addressed by the developer prior to final site plan approval.
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VI. PLANNING DIVISION RECOMMENDED MOTION:

Based on the preceding Findings of Fact, the Planning commission recommends to City Council approval of the Conditional Use Permit petition of Lynchburg College to allow student housing for four (4) to ten (10) students at 214 Bell Street, 185, 307 Vernon Street, & 404, 428 Lakewood Street.

- The properties shall be used in substantial compliance with the individual site plans for student housing:
 - 214 Bell Street – ten (10) students
 - 185 Vernon Street – six (6) students
 - 307 Vernon Street – four (4) students
 - 404 Lakewood Street – seven (7) students
 - 428 Lakewood Street – eight (8) students
- 2. Any exterior lighting shall be glare shielded to prevent direct illumination beyond the property line.
- 3. All residences shall comply with the building code as determined by the Building Official.
- 4. All parking associated with the student housing will be in “off street” lots.

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. R. Douglas Dejarnette, Fire Marshal
Mr. J. Lee Newland, Director of Engineering
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau
Capt. Todd Swisher, Lynchburg Police Department North Division
Capt. H. W. Duff, Jr. Lynchburg Police Department East Division
Capt. G. Wayne Cyrus, Lynchburg Police Department South Division
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. Kent White, Senior Planner
Ms. Erin Bryant, Environmental Planner
Mr. John Lewis, Representative

VII. ATTACHMENTS

1. Vicinity Zoning Pattern
(see attached map)
2. Vicinity Proposed Land Use
(see attached map)
3. Site Plan
(see attached site plans)
4. Project Narrative

MINUTES FROM THE JUNE 22, 2005 PLANNING COMMISSION MEETING

These minutes have been reviewed but not approved by the Planning Commission.

Petition of Lynchburg College for a conditional use permit to amend the Master Development Plan to allow college supervised student housing at 214 Bell Street, 404, 428 Lakewood Street and 185, 307 Vernon Street in an R-2, Low-Medium Density Single-Family Residential District.

Mr. John Lewis, Business Manager for Lynchburg College, addressed the Planning Commission. Mr. Lewis explained that Lynchburg College (LC) had recently constructed 144 spaces in townhome type structures and were just completing a five-story apartment building, which would accommodate 102 students, but they still needed more capacity. He continued by saying that LC was approached from time to time by near by property owners offering their homes for possible purchase by the College. He said if the property was within the identified area and a purchase price could be agreed upon, then LC acquired the house, renovated it, and placed senior students in those houses. He added that the senior students liked to have an alternative living arrangement outside of a traditional residence hall. Mr. Lewis apologized to the Commission for coming back so frequently with these requests, but explained that when the renovations on the homes were done, LC liked to put them into use. He added that Mr. Greg Nayer, Director of Residence Life, was also in attendance if there were more questions concerning the day-to-day student life and student supervision.

Chair Dahlgren asked Mr. Lewis why the College did not change their Master Plan instead of continually coming back to the Planning Commission and Council for changes and updates to their existing Master Plan.

Mr. Martin said that if LC knew exactly which structures they wanted to purchase, they could change their Master Plan. However, he added, it was a good idea to give the neighborhood an opportunity to come to a public hearing and speak. He said Lynchburg College had done a great job in working with the neighborhood, and continued by saying that since LC had been doing these conversions, there had been little or no opposition from the neighborhoods. Either way, he said, it would not be a problem. He said he and Mr. Lewis could meet and talk about their areas of interest.

Mr. Lewis said the College would be open to doing just that, but it had to work for everyone. He said he understood what Mr. Martin was saying about the neighbors, and thought it would be a good idea to give them an opportunity to speak.

Commissioner Hamilton noted that there were a lot of student houses interspersed with private residences, and asked how those owners felt about that arrangement?

Mr. Lewis said one request of the City was for the petitioner to meet with surrounding neighbors, which they did. He added that one person attended their meeting, and she basically wanted to discuss the possibility of the College purchasing her home. He said the neighbor said when she moved into the neighborhood she knew she was moving into a college neighborhood and had no problems with the petition.

Mr. Grey Nayer, Director of Residence Life, added that the College kept up with maintenance on the houses. He said any problems with students living in residential areas were very, very minor. He noted that he and his staff, the College security staff, as well as the Lynchburg City Police, worked well patrolling the area and making sure the students were kept under control.

After discussion Commissioner Hamilton made the following motion, which was seconded by Commissioner Bacon and passed by the following vote:

"That the Planning Commission recommends to City Council approval of the Conditional Use Permit petition of Lynchburg College to allow student housing for four (4) to ten (10) students at 214 Bell Street, 185, 307 Vernon Street, & 404, 428 Lakewood Street.

1. The properties shall be used in substantial compliance with the individual site plans for student housing:
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AYES:	Bacon, Dahlgren, Hamilton	3
NOES:		0
ABSTENTIONS:	Flint	1
ABSENT:	Barnes, Pulliam, Worthington	3

LYNCHBURG COLLEGE

#185, 307 Vernon Street, #214 Bell Street, #404, 428 Lakewood Street
Val. Map # 013-20-001, 013-20-010, 013-18-031, 031-02-036, 013-02-023
Conditional Use Permit Request
Petitioner: Lynchburg College

MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT



Subject Property



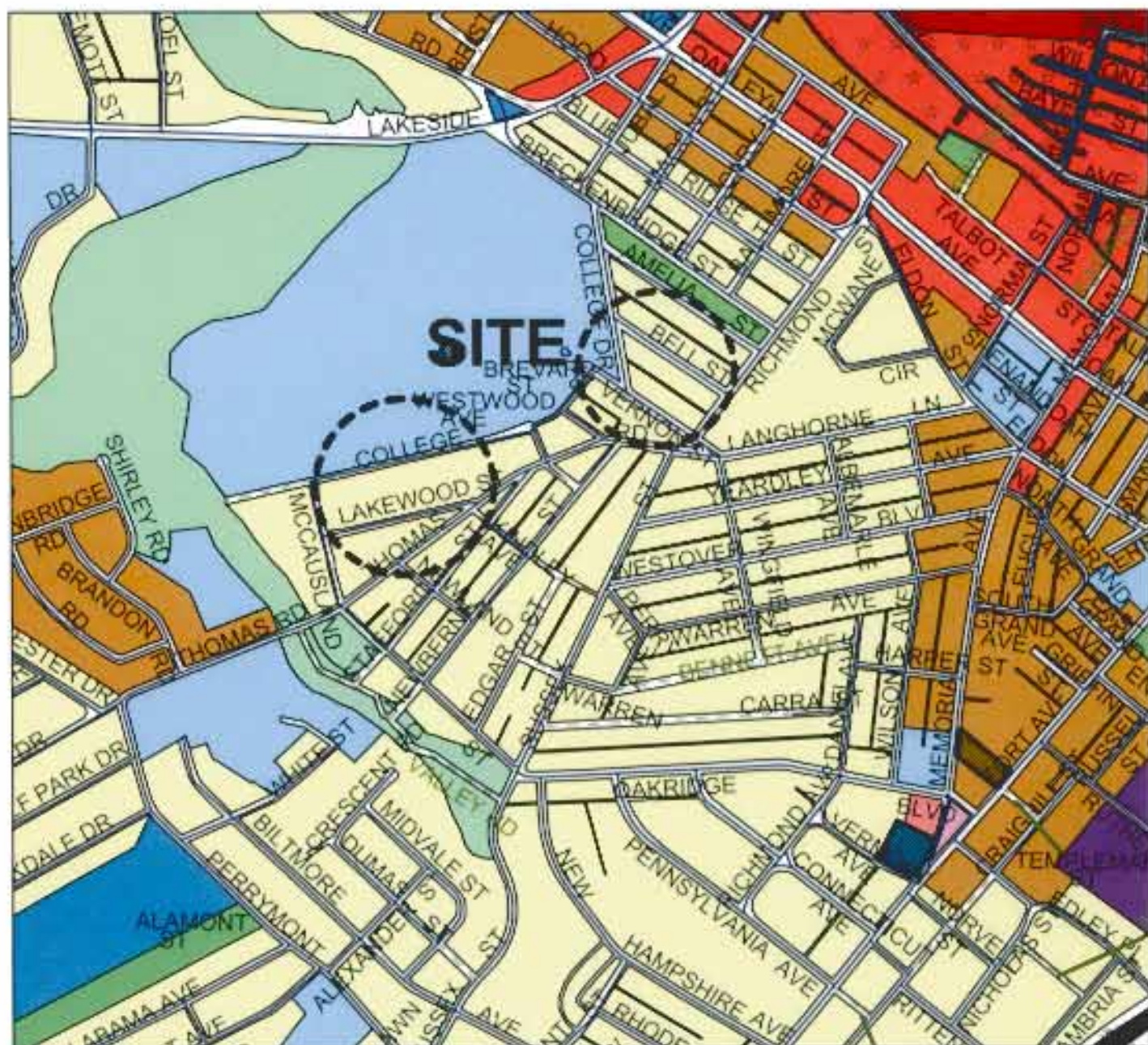
200 ft Radius



LYNCHBURG COLLEGE

185, 307 Vernon Street, 214 Bell Street, 404, 428 Lakewood Street

PIN	Owner
3108004	ANDERSON DOROTHY E
3106008	ANTHONY JEFFREY B
3108003	AYERS WAYNE A & LOIS A
3108008	BARRETT CHRISTOPHER & ANNE A
1324002	BLANK DIETMAR G TRS OF THE VERONICA L BLANK REVOCABLE LIVING TR
3106006	BRADFORD WILLIAM T & MARLA G
3106014	BRADSHAW ELIZABETH D & BRAGG PATRICIA
3101011	BROOKS RUTH M
3106002	BURFORD IVA C CARPENTER HAZEL A LIFE ESTATE
3102003	CARPENTER WILLIAM A JR-REMAINDERMAN
1320004	CAVALIERE GREGORY W
3108007	CHRISTIAN ANNE C
1320012	CITY OF LYNCHBURG C/O STEVE LAWSON
3019001	COOLEY DENNIS A & TINA L
3106007	DONCKERS JOSEPH M
1319003	EVANS PHUC THI C/O LISA ANN EVANS
1323001	FENDLAY LEE E JR
1326002	FLORES CARLITO L & WANDA W
3108006	GARRETT EWELL E & RITA J
3106022	HALT LLC
1318009	HALT LLC
3102027	HARPER ELEANOR K & TERRY G
3101014	HARRIS ANN STANCIL
3102033	HATCH PATRICIA L
3101016	HATCHER KEITH & SARAH
1318013	HENDERSON NORMA K
1318034	HENSLEY MICHAEL W & MARY K
1319016	HOWELL DAVID L & MARGARET MARY & HOWELL JEFFREY D
3019015	JOHNSON JAMES N JR & CAROLYN
3108003	JONES DORIS E
1318026	JONES JACK M & ANN F & JONES KEVIN L
3101018	JONES TRYNEQUA S & JAWAN L
1319020	LINDSAY MELVIN T
1319019	LYNCHBURG COLLEGE
1318010	MAJERCAK SHIRLIE M
1319002	MARTIN ANITA L
3102007	MAY DANIEL S & ROSE W
1318033	MCCRAY DARNELL M & TRACY D
3102004	MCLAUGHLIN THOMAS P & MARILYN
1324005	MOORE ANDREW J & WOODY KRISTEN E
3106019	MURPHY KATHERINE J & RYAN ARTHUR M
1319023	NICHOLS GROUP LLC
1319024	PATTERSON CHRISTIE E
3108010	PERKINS JARVIS N
1318030	PERKINS MARY T
3106018	PETERSON BERT M JR
1324035	POINDEXTER JUANITA B ETALS
1319006	POWELL DANIEL W JR & MARION B
1318028	PRYOR JOHN T & DORIS D
1318005	RING THOMAS W & PATRICIA K
1324004	ROBERTS CERI SE M
3108021	ROBINSON KATHY Y
3102031	SCHOMAKER ROBERT J & MARGARET S
3102002	SIMOPOULOS KANELLA K
3106012	SIMOPOULOS PETER T & SIMOPOULOS ELIAS T
3106013	SIMOPOULOS PETER T & SIMOPPULOS KANELLA K
1324001	SMITH RAYMOND L
1318004	TAYLOR POLLY W
1324034	THORNBURG CHARLES L JR & BANTON ELIZABETH T
1318029	WADE KENNETH W
3102037	WEBB BRUCE C & PEGGY M
3019016	WELLING DAVID H ETALS
3106009	WELLS JONATHAN M
1318032	WHITE ROBERT H
3101020	WILLIAMS JOHN W & FLORA P
1318006	WILSON DIMPLEY P
3102034	ZIMMERMAN JUDITH D

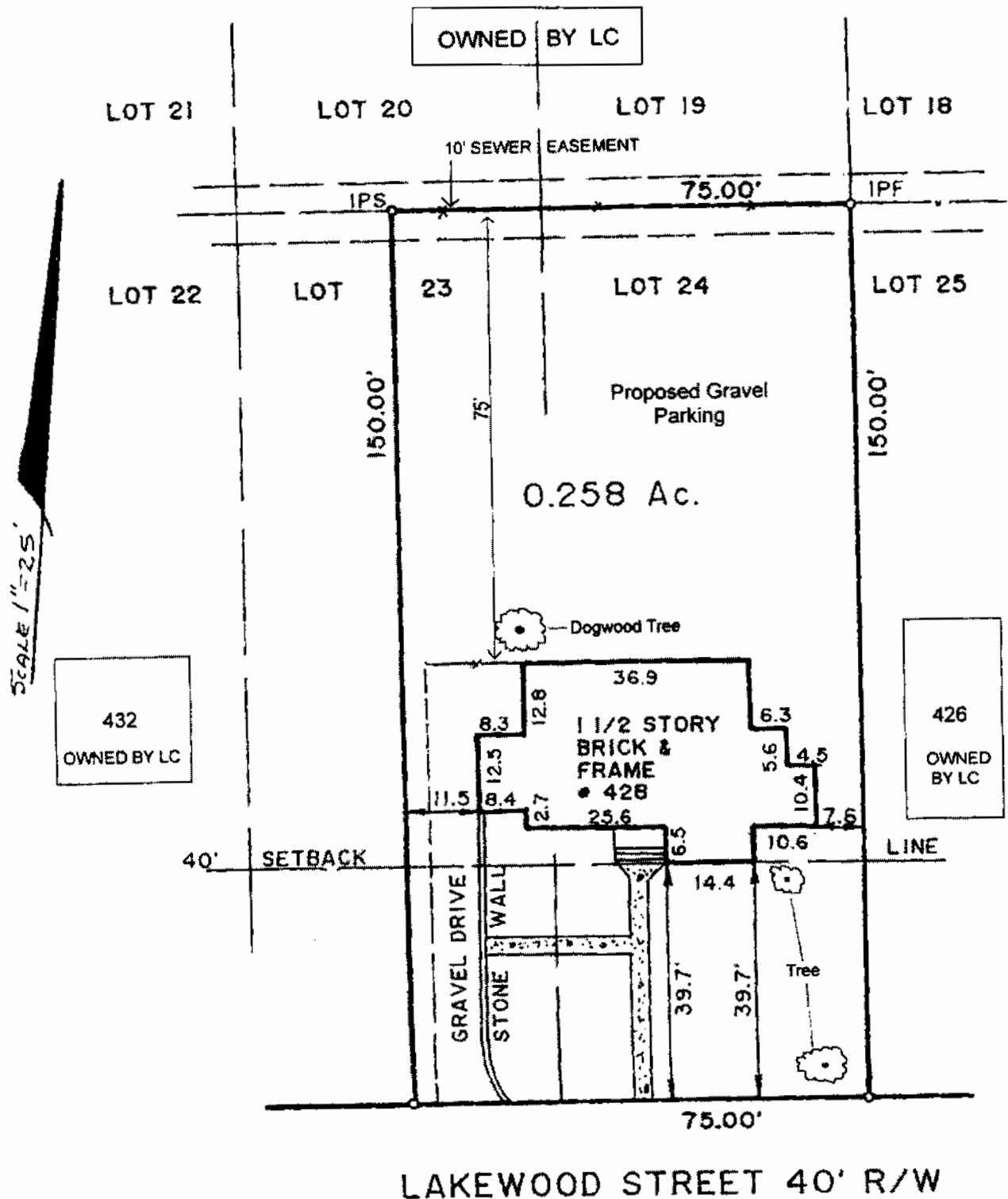


LYNCHBURG COLLEGE **185, 307 VERNON STREET,** **214 BELL STREET,** **404, 428 LAKEWOOD STREET** **LAND USE PLAN**



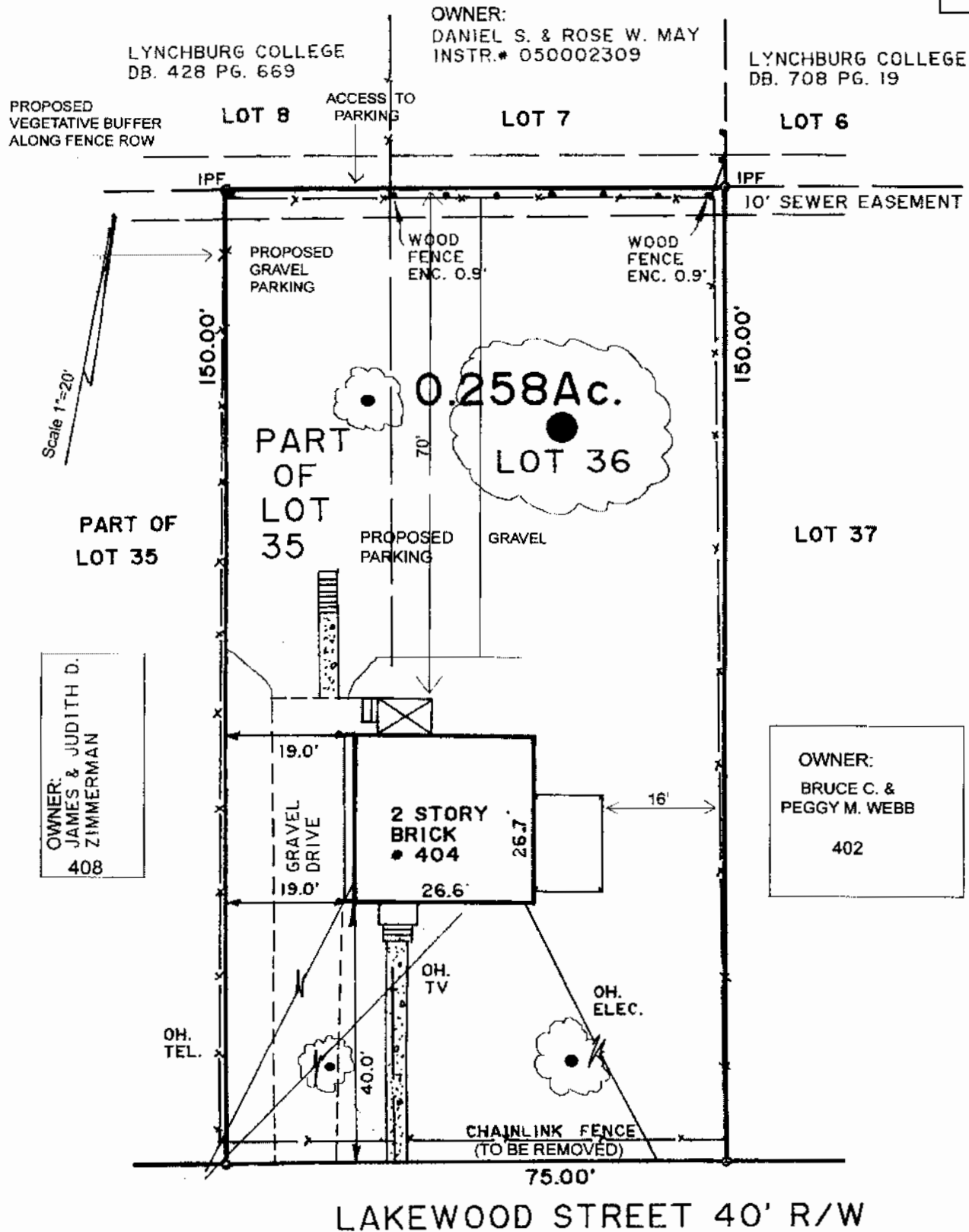
Petitioner and Owner: Lynchburg College, 1501 Lakeside Drive; Lynchburg, VA 24501
Location: 428 Lakewood Street **Existing Zoning:** R-2
Proposed Use: Student Residence in Existing Structure (for 8 students)

REVISED
6-10-05



Petitioner and Owner: Lynchburg College, 1501 Lakeside Drive; Lynchburg, VA 24501
Location: 404 Lakewood Street **Existing Zoning:** R-2
Proposed Use: Student Residence in Existing Structure (for 7 students)

REVISED
6-10-05



Petitioner and Owner: Lynchburg College, 1501 Lakeside Drive; Lynchburg, VA 24501
Location: 185 Vernon Street **Existing Zoning:** R-2
Proposed Use: Student Residence in Existing Structure (for 6 students)

REVISED
6-10-05

SEWER EASEMENT

ACCESS
TO
PARKING

New Parking
for
Centennial Hall



HANDICAP
ENTRANCE

HEDGES

BUSHES

191

OWNED
BY LC

HEDGE
TREE
HEDGE
TREE

DRIVEWAY

40' x 35'

185

WALK

16' BUSHES



BUSHES

BUSHES

120'

31'

10'

8'

45'

70'

Scale 1"=20'

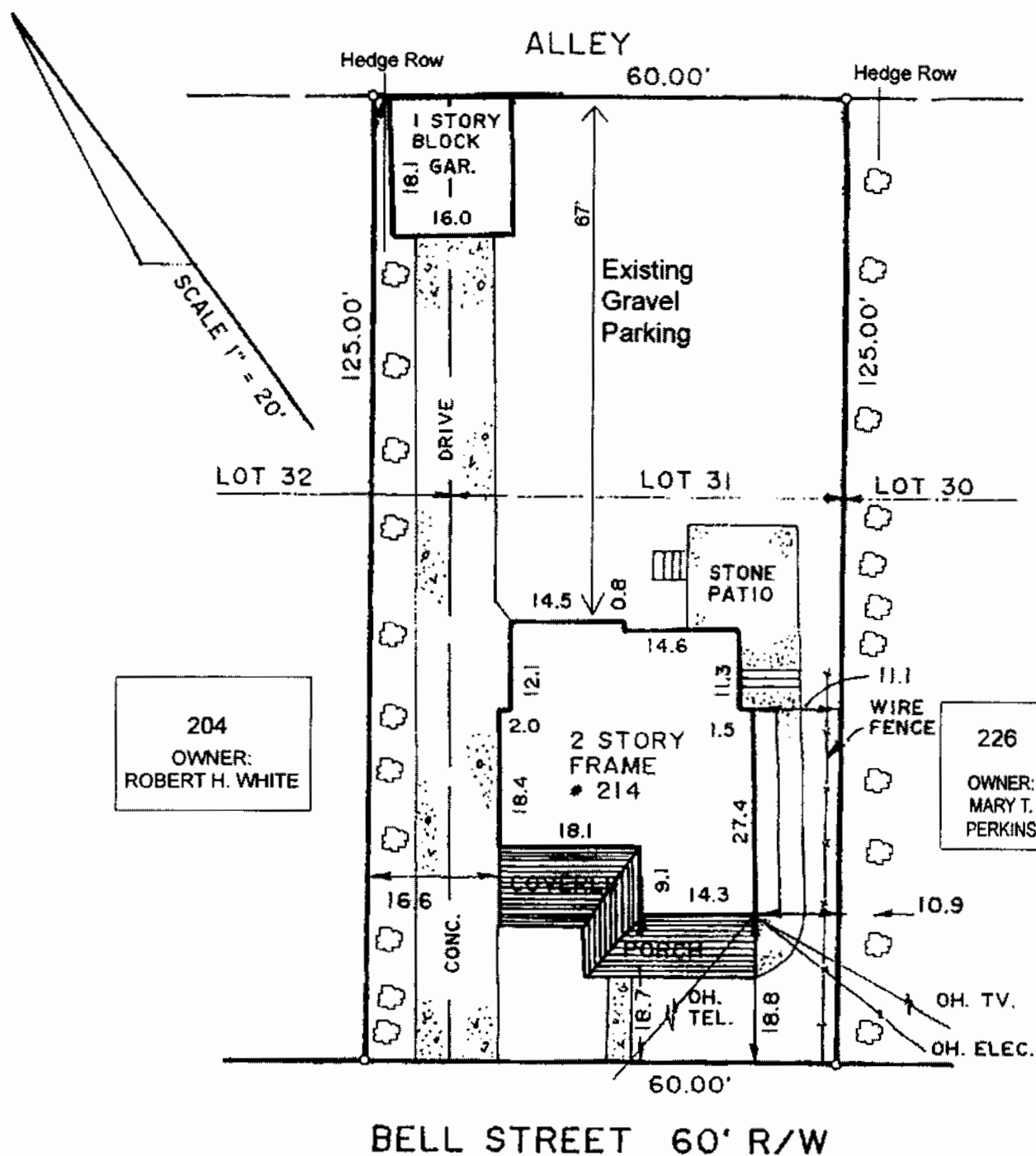
TREE

TREE

VERNON STREET

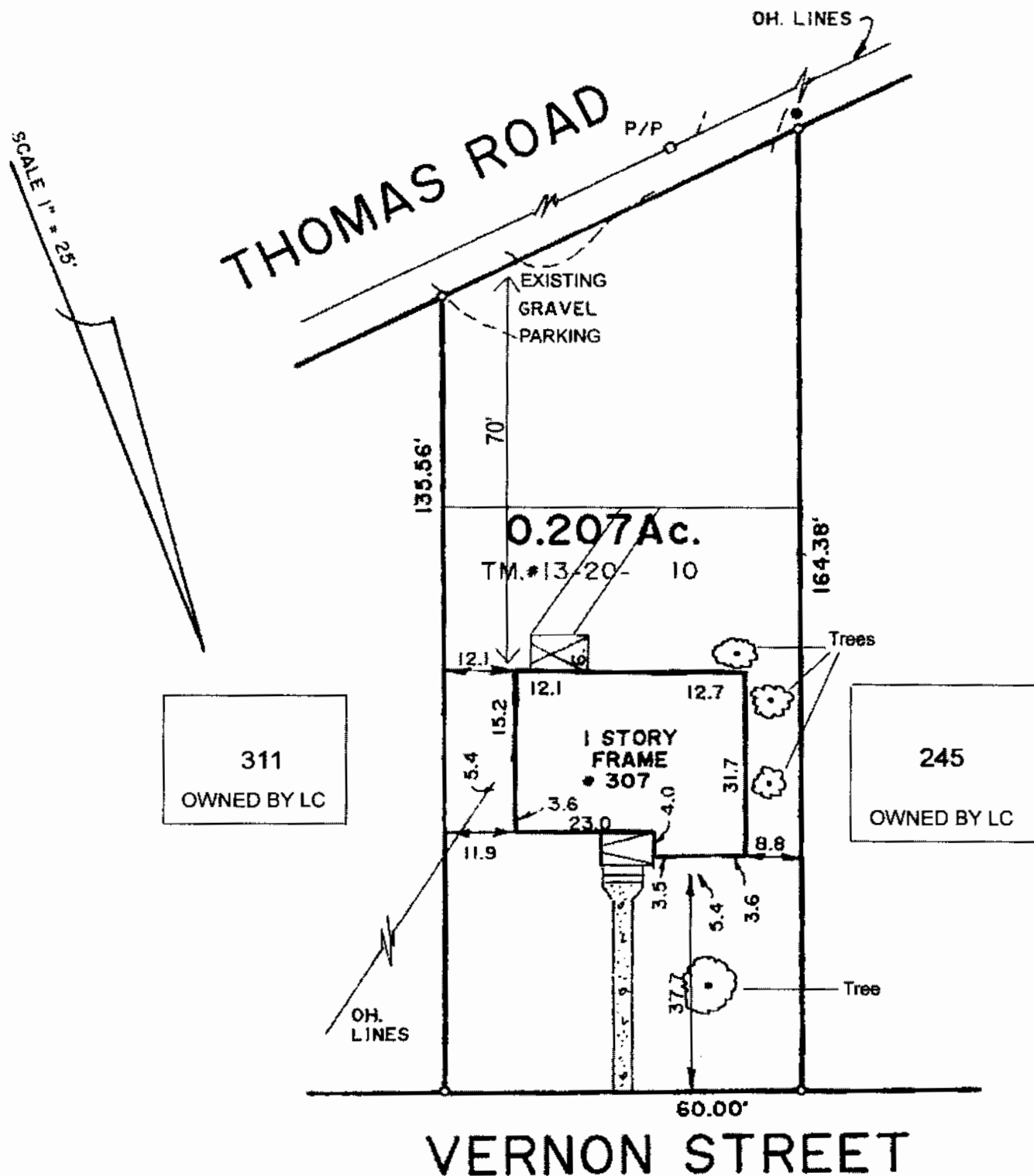
COLLEGE STREET

REVISED
6-10-05



Petitioner and Owner: Lynchburg College, 1501 Lakeside Drive; Lynchburg, VA 24501
Location: 307 Vernon Street **Existing Zoning:** R-2
Proposed Use: Student Residence in Existing Structure (for 4 students)

REVISED
6-10-05



LYNCHBURG COLLEGE STUDENT HOUSING

June 22, 2005

PLEASE PRINT

[illegible]